

## **REMARKS/ARGUMENTS**

### **Status of Claims**

Claims 1 to 17 are pending in this application with claims 1, 8, and 16 being the only independent claims. Claims 2, 4-7, 9, and 11-15 have been withdrawn from consideration in view of the Species Election Requirement. Independent claims 1, 8, and 16 have been amended to recite features recited in original claims 7 and 14, which have been cancelled without prejudice or disclaimer. No new matter has been added.

Reconsideration of the subject application is hereby respectfully requested.

### **Overview of the Office Action**

Claims 1, 3, 8, 10, and 16-17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by JP 11-320989A to Sakai.

### **Summary of the Subject Matter Disclosed in the Specification**

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations which are unclaimed.

The specification discloses a printer 2 comprising a print head 7, a medium transport device 15 for transporting a supply of printing medium 10, and a control unit 3 controlling the operation of the medium transport device 15. The control unit 3 operates to activate the medium transport device 15 to carry out a rest state transport at periodic intervals, within which, even without the presence of a print job, the medium transport device 15 transports the printing medium 10 in and/or counter to an output transport direction 12. *See*, page 2, lines 10-17 of the specification as filed. Additionally, the rest state transport takes place at the start of an activation of the printer caused by a print job before the print job is processed (*see*, original claims 7 and 14 and page 4, lines 1-7).

During the rest state transport, the control unit 3 activates the medium transport device 15 in such a way that the printing medium 10 is initially conveyed from an initial position in a direction opposite to the output transport direction 12. As a result, the printing medium 10 entering into a connection with the print head 7 and the pressure roller 8 is pulled out by the pressure roller 8. The control unit 3 then activates the medium transport device 15 to convey the retracted printing medium 10 in the output transport direction 12 back into the initial position. This procedure can be repeated, as the system comes to the initial position present before the rest state transport. *See, e.g.*, page 3, lines 10-24.

The rest state transport prevents the formation of an adhesive connection or the adhesive bonding of the printing medium 10 with components 7, 8 in contact with the printing medium 10. *See*, page 2, lines 24-29.

## **Patentability of the Claimed Invention**

### **Independent Claim 1**

Independent claim 1 recites that “the control unit is arranged to activate the medium transport device in such a way that the medium transport device carries out a rest state transport ... at the start of an activation of the printer caused by a print job before processing the print job.”

When rejecting independent claim 1, the Office Action takes the position that Sakai’s “rest state transport movement that occurs in time period immediately before printing resumes can be considered to be carried out ‘at the start of an activation of a print job before processing of the print job’” (see, e.g., page 7 of the Office Action). Without admitting or disputing such interpretation of Sakai made in the Office Action, applicants submit that Sakai’s rest state transport movement is nevertheless unrelated to the existence of a print job, much less being caused such a print job, as explicitly recited in independent claim 1.

As applicants previously submitted and based on applicants' best understanding of Sakai, Sakai merely teaches a normal, reverse, and normal rotation of the stepping motor 4 during the waiting time to temporarily free the recording paper 1 from being adhered to the thermal head 2 or the roller 3. There is no teaching in Sakai to carry out the normal-reverse-normal rotation of the stepping motor in response to activation of a printer caused by a print job. In contrast, Sakai merely teaches rotating the stepping motor 4 in normal, reverse, and normal directions after passage of a fixed period of time. Therefore, Sakai does not teach carrying out "a rest state transport ... at the start of an activation of the printer caused by a print job before processing the print job" as explicitly recited in independent claim 1.

In view of the above, independent claim 1 patentably distinguishes over Sakai. Withdrawal of the rejection of claim 1 is hereby respectfully requested.

#### Independent Claims 8 and 16

Similar to independent claim 1, independent claim 8 recites "transporting a printing medium with a medium transport device, even without a print job in and/or opposite to an output transport direction at periodic intervals during rest state transport, and at the start of an activation of the printer caused by a print job before processing a print job." Also, independent claim 16 recites "at the start of an activation of the printer caused by a print job and before processing the print job, the medium transport device carries out a rest state transport."

Accordingly, independent claims 8 and 16 are each allowable for at least the same reasons that independent claim 1 is allowable.

#### Dependent Claims 3, 10, and 17

Claims 3, 10, and 17 depend, either directly or indirectly, from amended independent claim 1, 8, or 16 and are thus allowable therewith.

In addition, dependent claims 3, 10, and 17 include features which serve to even more clearly distinguish the present claimed invention over the prior art of record.

Dependent Claims 2, 4-7, 9, and 11-15

Applicants respectfully request that the Examiner consider the additional species covered by claims 2, 4-7, 9, and 11-15 and rejoin the same in the subject application upon the allowance of the generic or linking claims—-independent claims 1 and 8.

**Conclusion**

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited. Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

No fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our PTO Deposit Account No. 03-2412.

Respectfully submitted,  
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